



POLICE DEPARTMENT

February 4, 2011

MEMORANDUM FOR: Police Commissioner

Re: Police Officer Teresa Gary-Jingool  
Tax Registry No. 914413  
101 Precinct  
Disciplinary Case No. 85447/09

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The above-named member of the Department appeared before me on June 11, 2010, July 6, 2010, and September 28, 2010, charged with the following:

1. Said Police Officer Teresa Jingool, while assigned to the 101st Precinct, on or about October 12, 2008, in Brooklyn, New York, wrongfully engaged in a violent dispute with her husband Patric Jingool resulting in destruction of property and Mr. Jingool fearing for his safety. (*As amended*)

P.G. 203-10, Page 1, Paragraph 5 – PUBLIC CONTACT – PROHIBITED  
CONTACT

The Department was represented by Amy Avila, Esq., Department Advocate's Office, and Respondent was represented by John Tynan, Esq.

Respondent, through her counsel, entered a plea of Not Guilty to the subject charges. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review.

DECISION

Respondent is found Not Guilty.

SUMMARY OF EVIDENCE PRESENTEDThe Department's Case

The Department called Sergeants Mark Holochuck and Gary Louissant as witnesses, offered the out-of-court statement of Patric Jingool (Department Exhibit [DX] 1), and the 911 call of Patric Jingool (DX 2)

Telephone Interview of Patric Jingool

A telephone interview was conducted of Jingool by Sergeant Mark Holochuck of the Queens South Investigations Unit. Holochuck stated that he was investigating a complaint filed on October 12, 2008 about 4 a.m. involving a dispute with Jingool and his wife (Respondent). He explained that he wanted to get an update on what happened that night. Jingool stated that he came home about three o'clock in the morning. He confirmed that he lived on [REDACTED]. Jingool stated that his wife got upset because of the time that he came home. He said that Respondent got upset and started to throw things. He stated that Respondent did not throw things at him directly. Jingool recalled that Respondent started crying, that she complained about him staying out all night and she started to throw objects.

Jingool acknowledged that he was legally married to Respondent and that they have one child in common. When asked if Respondent said anything to him, Jingool replied, "No." When asked why Respondent was throwing things, Jingool replied that he probably came in later than she expected and then he began to laugh. Holochuck asked Jingool whether he called the police or whether Respondent called the police. Jingool replied that he did not know who called the police, but it was not him. Jingool stated that

they have had no further problems since this incident and that they had a couple of incidents in the past. He explained that the police were called but it did not impact Respondent's job nor was she arrested. He further explained that tempers were flared that night he ignored Respondent and went to bed. He stated that Respondent broke things in the kitchen and living room areas but she did not follow him into the bedroom where he went to bed.

Holochuck inquired whether the supervisor who responded to the home took Respondent's guns. Jingool replied that a duty captain responded to the scene, but that Respondent did not have her guns because she never has her guns and that she does not bring them home. Jingool inquired whether Holochuck had the telephone number of the caller who called 911. Holochuck stated that the complaint did not indicate who made the phone call, just that a 911 call was made. Jingool stated that the captain interviewed him as well as Respondent. He further stated that in the past incidents, it did not impact Respondent's job and she was not arrested. The interview was then concluded.

#### 911 Call of Patric Jingool<sup>1</sup>

Jingool called 911 and requested a police officer or a sergeant to be sent to his address at an [REDACTED]. He stated that his wife was a police officer and she was acting crazy. When asked what she was doing, he stated that she was acting crazy and that she was "breaking stuff up." Jingool appeared calm during the 911 call as he gave his address and the telephone number where he was calling from. He

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<sup>1</sup> The out-of-court statement of Jingool was offered into evidence because Jingool refused to appear at this proceeding. He was served with a subpoena by the Department Advocate's Office. He was contacted following service of the subpoena and Jingool indicated that he was not going to appear for trial preparation with the Assistant Department Advocate, that he was not going to appear on the trial date and that he was going to ignore the subpoena served upon him.

stated that his wife was an officer and that she was "on the job " In the background, a female's voice is heard yelling and screaming, there is no sound of any items being broken up in the background

Jingool then made another request for a sergeant to be sent to the residence The entire 911 call lasted approximately one minute and twenty eight seconds

Sergeant Mark Holochuck

Holochuck is a 16-year member of the Department currently assigned to the Queens South Investigations Unit. He has been assigned there for approximately two years and his duties include investigating allegations made against police officers Holochuck testified that he was familiar with Respondent He stated that he was assigned an investigation which involved a domestic incident involving Respondent at her residence He began his investigation by gathering all of the information on the officers who had responded to the residence on the incident date as well as spoke to Jingool and gathered any 911 tapes involved.

Holochuck stated that he spoke to the two officers and the sergeant who had responded to the location on the incident date He was informed in sum and substance that they observed items scattered throughout the house including broken CDs The sergeant had indicated that he saw a broken glass table, a broken vase and some other items scattered about the apartment They also informed him that they spoke to Jingool who stated that the incident involved him coming home late, that he had some drinks and Respondent was very upset about that

Holochuck testified that he also spoke to the complainant in the case, Jingool He

explained that he called him on the telephone and that the interview was electronically tape recorded (DX 1) Jingool informed him in sum and substance, that on October 12, 2008, he came home at approximately 3 30 in the morning and he had a few drinks with his friends. When he came into the house, Respondent was very upset and started yelling at him. Jingool stated that he went directly into his bedroom. Jingool stated that while he was in the bedroom, he heard items being broken in the house. Holochuck stated that Jingool informed him that he did not call 911, but Holochuck found out that, in fact, Jingool did call 911. Jingool also informed him that the property that was destroyed was joint property owned by both him and Respondent.

Holochuck stated that he also obtained the 911 call made on the incident date (DX 2). He explained that the 911 call was inconsistent with what Jingool had told him over the phone. He stated that Jingool informed him that he did not make the 911 call but in fact, upon his review, Holochuck explained that Jingool did make the 911 call. Jingool stated during the 911 call that his wife was an officer and that she was acting crazy and throwing things. Holochuck said you can hear Respondent in the background during the 911 call. He also surmised that she may have been trying to hang up the phone because buttons were pressed during the 911 phone call. He stated that it seemed as if there was a dispute going on between the two of them. Based on the incident Holochuck stated that the duty captain made the decision to remove Respondent's firearm.

During cross-examination, Holochuck acknowledged that he never personally met Jingool. He admitted that the only time he spoke with him was during the telephone interview. He agreed that Jingool stated that he came home late and when he walked into the house, the argument started between him and the Respondent. Holochuck was asked

what Jingool's response was when Holochuck questioned him about him coming home later than the Respondent expected. Holochuck stated that Jingool laughed about the matter. Holochuck was asked whether he was able to determine from speaking with the officers whether Respondent or Jingool were intoxicated. He stated that the sergeant stated that Jingool had been drinking. Holochuck stated that he did have the opportunity to review other Domestic Incident Reports from the command and noted that there were several prior incidents involving both Respondent and Jingool both as victims and complainants. Holochuck acknowledged that on October 12, 2008, the incident date, Respondent did not bring her firearms home.

Holochuck acknowledged that in the 911 tape as well as during his telephone interview of Jingool, he never stated with any particularity what items had been broken in the house. He noted that to his knowledge neither the responding officers, the sergeant or the duty captain took photographs or made inventory of the damaged property at the scene. He noted that Jingool did not make any request for Respondent to make restitution to him for any alleged damaged property.

Upon questioning by the Court, Holochuck testified that upon his review, there were four domestic incidents involving Respondent and Jingool. Two incidents involved Respondent as a complainant and two involved Jingool as a complainant. With respect to Jingool being a victim, the first incident occurred on July 23, 2006. Jingool, however, refused to give a statement and the incident was never resolved. The second incident involving Respondent occurred on October 12, 2008 [this incident] where Respondent is alleged to have damaged property. A stipulation had been entered between the parties which indicated that as a result of the October 12, 2008 incident, on October 14, 2008,

Respondent was on full duty and that her firearm was removed for a non-disciplinary purpose

With respect to the two cases where Respondent is the complainant, the first incident occurred on June 14, 2005 Jingool attempted to illegally evict his common law wife, Teresa Hill (Respondent's maiden name) from their residence by changing the locks to the apartment and placing her furniture in the basement. The second incident occurred on July 7, 2004. It was alleged that Jingool was the suspect and he slammed a male in the back of the neck. No further details surrounding these incidents were obtained.

Sergeant Gary Louissaint

Louissaint is a nine-year member of the Department currently assigned to the 70 Precinct. He testified that he has been assigned there for the past two years. His current duties and responsibilities are as patrol supervisor for the first platoon. On October 12, 2008, Louissaint worked a tour from 11:05 p.m. to 8:02 a.m. During the course of that tour, he had to respond to the home of Respondent. Central dispatch informed him over the radio that there was an off-duty incident involving an off-duty member of the service involved in a domestic dispute. Central dispatch also advised that 911 had been called to the scene by Respondent's husband, Jingool. After handling of the jobs that required his presence, Louissaint stated that he responded to the scene within five to ten minutes.

Louissaint testified that when he arrived at the scene, he met with his officers who responded to the location before he did. He also met with Respondent who was seated inside her vehicle. She identified herself as a member of the service and he believed she



also provided her Police Department ID. Once identifying the Respondent, Louissaint stated that he went to locate Jingoool. He knocked several times on the basement apartment door and finally Jingoool opened the door. He informed Louissaint that he had a dispute with his wife and then he allowed him into the apartment. Louissaint recalled the apartment being very narrow. As he walked in, he observed a small amount of glass on the floor. He observed a glass table which had a portion of the table broken at the corner. As he continued down the hallway toward the kitchen he observed kitchen utensils including forks, knives and spoons all over the kitchen floor. Louissaint also recalled seeing a broken vase. He could not recall if the entire vase was shattered or if a piece was broken off of it. He spoke to Jingoool about the destroyed property in the home. Jingoool stated that his wife was the one who broke the property in the home. Jingoool also stated that the property that was broken belonged to both of them. When asked to describe Jingoool's condition, Louissaint testified that he was coherent but "highly intoxicated." Louissaint said that Jingoool did understand his questions.

Louissaint testified that he spoke to Respondent briefly. She explained that they broke the items in the home together. Louissaint decided to have everyone transported back to the 70 Precinct, so that the duty captain could respond and conduct whatever investigation was required. Once at the station house, the duty captain responded and had the desk officer who was actually the platoon commander respond to the home of Respondent and take photographs of the damage. Louissaint testified that he did not know what happened to the photographs and believed that they were actually lost. Louissaint said that the duty captain also made the determination to have Respondent's firearms removed. He said that he had no further contact with Respondent at the



precinct

During cross-examination, Louissaint acknowledged that Jingool was drunk and that Respondent was not and that she was fit for duty. Louissaint admitted that Respondent was cooperative. Louissaint stated that he did not see anyone actually break anything or see Respondent throw anything. Louissaint was asked what factors he saw that indicated to him that Jingool was intoxicated. He stated that Jingool had bloodshot, watery eyes, a strong smell of alcohol on his breath and he had slurred speech although he did not have an unsteady gait. He estimated that he remained on the scene 15 to 20 minutes before he called the duty captain. During that time he did not see any argument between Respondent and Jingool. He stated that they were kept separate because Respondent was outside with the officers and Jingool was inside the basement apartment with him.

Louissaint stated that he did not see any visible marks on either Jingool or Respondent. He acknowledged that Respondent said Jingool came home late and drunk from a party. He could not recall whether Respondent stated that Jingool was abusive toward her. He also could not recall whether she stated that he tried to hurt her. He

Louissaint acknowledged that Jingool was giddy from his drunkenness and was laughing, in the course of being intoxicated.

During re-direct examination, Louissaint testified that he did not recall Respondent stating that Jingool had been violent toward her.

During questioning by the Court, Louissaint testified that Jingool did not need help getting into the vehicle which transported him to the station house. When asked to

describe Jingool's demeanor, he stated that he had a carefree attitude especially when he was told that he was going to the 70 Precinct Station House. He explained that Jingool said he had been through this before and that he would meet with the duty captain when he got ready to do so. When asked to describe the demeanor of Respondent, he stated that she seemed nervous and her nervousness was not that she was in fear but that she was nervous about being involved in an off-duty incident and all that comes with that being a member of the service. Louissaint testified that he did not ask Respondent why she was seated in her vehicle outside of the home.

During further cross-examination, Louissaint testified that there were no firearms in the house nor any firearms recovered on Respondent.

#### Respondent's Case

Respondent testified in her own behalf.

#### Respondent

Respondent is a 17-year member of the Department currently assigned to the 101 Precinct. She testified that after graduating from the Police Academy, she was assigned to Police Service Area (PSA) 9, located in Queens. Following the merger in 1995, she remained in the satellite command in Far Rockaway, Queens of PSA 9 which was also affiliated with the satellite of the 101 Precinct, the two units were later combined. She explained that sometime in 1996, she was actually assigned to the 101 Precinct located in Far Rockaway, Queens.

In October 2008, Respondent stated that she lived on [REDACTED]

which is in the confines of the 70 Precinct. She stated that she was married at the time to Jingool and they had been married for over a year. She stated that she had known him since 1989 but they started officially dating in 1999. Respondent said they were married in 2007 and they have one child in common although she has four other children. She said her child in common with Jingool is now seven years old, and her other children are 25, 20, 21 and 14 years of age. She stated that in October 2008 she lived with Jingool as well as her daughter and her younger son. She stopped living with Jingool on or about November of 2008.

On October 12, 2008, Respondent stated that she was at home sleeping in her bed when she heard loud noise and realized that Jingool had come into the bedroom. He began stating that she was his wife and that he wanted to have sex and she realized that he was inebriated and an argument commenced. Respondent stated that she told Jingool, "No." She explained that this happens all the time that he comes home drunk and tells her that she is his possession, that he owns her and that he wants to have sex and she refuses and things get out of hand. Respondent stated that once she told him "No," Jingool got angry and started yelling, screaming and cursing. She stated that she started yelling back at him to go to sleep or go to another room. She explained that this had happened several times in the past and this was an ongoing problem with Jingool. She explained that Jingool said he would go to counseling for his over indulgence of alcohol, he went to see their pastor but nothing ever came of it and he never went to counseling.

On the morning of October 12, 2008, Respondent stated that she moved out of the bedroom at some point. She stated that she never brings her firearms home, that they remain in her locker at work because she has small children and a baby. She stated that

the only exception would be if she had to go to the range then she may bring her firearm home Respondent said as she attempted to leave the bedroom she walked into the hallway but Jingool was trying to force her back into the bedroom She stated that Jingool then pushed her toward the kitchenette area where the sink is, and that as she attempted to push away from him, the vase fell over with the spoon and other utensils that were sitting on the counter She explained that the vase contained big utensils like cooking spoons and forks and those were the things that fell to the floor Respondent said that a scuffle ensued She tried to use the short walk way to head in the direction of where the mini bar and the wine holders were, she attempted to walk up the stairs and realized that she did not have her keys or her telephone, so she went to get those items Respondent stated that at that point she had not thrown anything to the floor or had not broken any objects in an attempt to intimidate Jingool As she attempted to get away Jingool grabbed her, they spun around, knocking over the wine rack which caused bottles to fall and shatter all over the floor

As a result of the scuffle, Respondent stated that she obtained some small cuts and bruises to her foot but she did not mention it because she bruises easily She also stated that Jingool grabbed her by the arm Respondent explained that at the time in October 2008, she was on sick leave duty status She had sustained a back injury while on the job which affected her mobility She explained that she was unable to move around as she would normally be able to do and if she were at work she would be on restricted duty She further explained that she has an application for disability retirement based on her line-of-duty injury but that her application is on hold pending the outcome of this case

Respondent testified that when she tried to leave the home, Jingool grabbed his

cell phone and dialed 911 and she asked him if he was kidding. She explained that she tried to take the phone from him and told him that he knows she is "on the job" and that he could get in trouble or arrested because he had a similar incident like this in the past. Respondent explained that in the past Jingool had been arrested for assaulting her, her second oldest son and her daughter who was struck in the face. She explained that an order of protection was issued for herself and her children at the time. Respondent stated that once he called 911, Jingool went into a room and she ran out of the door to the apartment.

Respondent testified that Jingool had made complaints against her in the past, that she had menaced or assaulted him, but she had never been arrested. She said that her duty status had never been changed because of an allegation of menacing or harassment. Respondent said that she tried to go out the door, she recalled that she did not have her keys, she found them on the floor and ran out of the apartment to her car and was driving out of the driveway when she saw officers responding. She stated that she got out of her car and spoke with the officers.

Respondent stated that she told the officers she was a member of the service but she did not have to provide identification. She stated that she did not consume alcohol on that day. She noted that Jingool was intoxicated because he had slurred speech, he was angry, he had watery eyes and he was making demands. She said that when he was talking to the police, he told them that he wanted her out of the house and that he was "cursing and carrying on." Respondent stated that shortly after this incident, she separated from Jingool and that they no longer live together. She also denied that she ever tried to break or damage property in an attempt to intimidate Jingool. She explained

that she never intentionally damaged any property, but during the course of their struggle things were knocked over

During the cross-examination, Respondent was asked whether she had an official Department interview on March 11, 2009. She stated that she did. She acknowledged that she was represented by counsel and was told that she had to be truthful. Respondent was asked whether she was asked the following question and gave the following answer:

**Question:** Did he become violent at all?

**Answer:** No.

Respondent testified that she did not remember being asked that question and giving that answer. She was shown a copy of the transcript and asked to read page 5, lines 4 and 5. She stated that reviewing the transcript did not jog her memory and that she had no recollection of that conversation. Respondent acknowledged that she was stating at the trial that Jingoool was holding her back and pushing her against the different furniture causing property to be damaged, but she did not indicate during her official Department interview that Jingoool was being violent toward her. Respondent admitted that she had the opportunity to tell the story that she was telling in court and to give the details. She admitted that there was no mention of Jingoool pushing her and forcing her into the bedroom or forcing her against furniture.

Respondent acknowledged that she spoke to Louissaint. She denied telling him that she destroyed furniture with Jingoool. Respondent was asked whether Louissaint lied when he made that statement at trial. Respondent stated that she did not know. Respondent testified that she never told anyone that she destroyed furniture together with anyone.

Respondent stated that she could not say exactly what time her husband came home on the incident date because she was sleeping at the time. She denied being angry because she was sleeping. She acknowledged that Jingool woke her up out of her sleep. When asked whether it bothered her that her husband came home late in a drunken state and woke her up out of her sleep, Respondent replied that it did not bother her because he does it all the time. She explained that she is happy when he leaves the house. She acknowledged stating that Jingool pushed her against the furniture and would not let her leave the house. Respondent admitted that she could have called 911 after being threatened by her husband, but she did not. She acknowledged that she was present when Jingool called 911 on the incident date. She stated that she was looking for something when she heard him on the phone calling 911 and requesting a car. Respondent acknowledged that she was yelling and she told Jingool, why was he calling 911 and is he serious about it. Respondent admitted that it was at that time that she left the apartment.

When questioned why was she was attempting to leave, Respondent stated that she was not leaving the block, she was just attempting to leave the residence so that things would not get worse. She explained that she wanted to get in her car where she knew she would be safe and she was not going to leave knowing that the police were going to respond. When asked whether she was attempting to leave prior to the police arriving, Respondent stated that she was trying to get in her car and to avoid her neighbors being awakened by the noise, so she attempted to back her car out of the driveway but she was not planning to leave her block knowing that the police were coming. She acknowledged that she never intended to destroy anything. The Respondent denied throwing any kitchen utensils on the floor.



Respondent acknowledged that there was a prior incident involving Jingool in which he was arrested. Respondent stated that she could not recall the date but she knew that Jingool had spent four to five days in jail and it was an incident involving an assault of her, her son and her daughter. Respondent was shown a Domestic Incident Report in which to identify. She stated that this was not the incident involving the arrest of her husband. She stated that the incident involving her husband's arrest occurred around Labor Day in September. When Respondent was questioned as to whether any of the prior Domestic Incident Reports referred to by Holochuck made mention of an arrest, she stated that she did not review those Domestic Incident Reports testified to by Holochuck. She explained that she knew Jingool was arrested, there were several people present and that he spent four days on Rikers Island.<sup>2</sup>

With regard to the October 12, 2008 incident, Respondent stated that she did sustain injuries. She stated that when Jingool grabbed her arm she was bruised. She also stated that she stepped on glass and cut the bottom of her foot as she was trying to leave the apartment. She denied that she took photographs of the cut that she received on her foot. She also denied that she ever told anyone including Louissant about the bruise and the cut on her foot. When asked whether she documented the bruise that she received, she stated that it did not show up until a couple of days after the incident. When asked whether she took photographs of the bruise, she stated that she did and that it is with her personal things at home. When asked whether she turned the photograph over to her attorney, Respondent stated, "No."

Upon questioning by the Court, Respondent was asked to recall the incident

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<sup>2</sup> A stipulation was entered between the parties that Jingool was arrested on September 2, 2007, for assault to Respondent's son. An Order of Protection was issued on behalf of both the son and Respondent. The top charge appeared to be reduced to a harassment violation and the case was dismissed at some later point.

which occurred on July 7, 2004 Respondent explained that her son and Jingool got into a disagreement in which Jingool slapped him in the back of the neck Respondent stated that she was not home at the time but when the police came they realized that her son was underage They later spoke to Respondent and explained that her name had to go on the Domestic Incident Report because her son was underage

With respect to the domestic incident the Respondent testified about, she estimated that it occurred on Labor Day in 2004 or 2005 She stated that her husband called her continuously stating that her daughter was at home sick Respondent called her niece to verify this information She learned that her daughter was not sick but was in fact outside playing When Respondent arrived home sometime later in the evening she got into an altercation with Jingool Jingool tried to grab her daughter; his sister and her daughters' godmother tried to pull the baby [daughter] away from Jingool, and as Respondent's son tried to take the baby, Jingool swung and punched her son in the face During the course of the scuffle, the baby was also hit

Jingool went in the backyard and called 911 It was Labor Day and several people were around and when the police responded everyone explained what Jingool had done They told the police that Jingool got into a dispute and was hitting everyone and the police locked Jingool up Respondent acknowledged that Jingool was arrested and spent four days on Rikers Island She also recalled that she received an Order of Protection and that was the first time she had received one against Jingool Respondent reiterated that Jingool was the one who called 911 despite the fact that he was ultimately arrested

With respect to the incident date on October 12, 2008, Respondent explained that

her walkway in her apartment was very narrow. She kept two vases with candy in them for her children and when there was the commotion between her and Jingool, the two vases fell onto the glass table and cracked it somewhere in the middle. Following the altercation she got into her car, pulled out of her driveway which is very long and wide and parked midway in the block about three houses from her residence. Once the police responded to the scene she got out of her vehicle and spoke to them.

During redirect examination, Respondent testified that none of her domestic incident matters were ever transferred to Family Court. She recalled that the Labor Day incident involving Jingool was handled in Criminal Court in Kings County. She believed it was either the Saturday or Sunday of Labor Day weekend when the arrest of Jingool took place.

#### FINDINGS AND ANALYSIS

Respondent stands charged with wrongfully engaging in a violent dispute on October 12, 2008 with her husband Patric Jingool resulting in destruction of property and causing Jingool to fear for his safety. Respondent is found Not Guilty as charged. Evidence adduced at trial established that Respondent did have an altercation with her husband (Jingool) on the incident date which resulted in the destruction of some property commonly owned by them. What is at issue is whether the destruction of the property was caused by Respondent in an effort to place Jingool in fear for his safety. The credible evidence presented in this matter does not support such a claim.

Jingool called 911 and stated that Respondent was a police officer who was acting crazy, breaking items in the home and that he needed police to respond to the residence.

Once the police responded to the residence, Louissant, the Patrol Supervisor who responded to the residence said that Jingool was intoxicated. He laughed about coming home later than Respondent expected. He made no request to have Respondent arrested, restitution for any damaged property and never stated that he feared for his safety. In fact, he knew Respondent never carried her firearm home. When asked to describe the demeanor of Jingool and that of Respondent, Louissant testified that Jingool had a carefree attitude about the situation especially when told that he had to report to the stationhouse. Jingool replied that he had done this before and would only speak to the duty captain if he felt like it. Louissant testified that Respondent, however, seemed to be nervous about the matter. He explained that she was nervous about being involved in an off-duty incident and all that comes with the matter because she is a member of the service. He did state that she was fit for duty.

Respondent testified about being in an abusive relationship with Jingool. She testified that the incident date was one of several occasions when Jingool came home intoxicated and commanded that she was his possession and demanded that he wanted to have sex. Once she refused, an altercation would ensue. Holochuck, the investigator assigned to investigate the allegations against Respondent appeared to be unaware of the domestic violence history that Respondent outlined in her testimony before this Court. Respondent described an instance of being assaulted by her husband in which he simultaneously struck her, assaulted her son and hit their child in common as he swung his fists wildly. Respondent testified that Jingool was arrested, spent four to five days on Rikers Island and it was after this event that she obtained her first Order of Protection against Jingool for herself and her children. Holochuck made no mention of this matter.

when asked by the Court to summarize the domestic violence history between Jingool and Respondent

During Jingool's interview by Holochuck, he was asked whether Respondent's job was ever impacted as a result of her disputes with Jingool. He was also asked whether Respondent was ever arrested and Jingool answered in the negative. Jingool, however, was never asked directly whether he was arrested as a result of any of his domestic disputes with Respondent. This is despite the fact that Jingool noted during the interview that he had had several domestic incidents in the past with Respondent in which a police response resulted. After a request from this Court, further investigation was conducted into any possible arrest of Jingool following a domestic dispute with Respondent. The result was that Jingool had in fact been arrested on September 2, 2007 for assaulting Respondent's son and an Order of Protection was issued for Respondent and her son against Jingool. It is clear from how the domestic past between Respondent and Jingool unfolded, that Jingool was not acting with clean hands and this may have factored into his decision not to appear at this proceeding and to testify under oath.

On the issue of Jingool's failure to appear at this proceeding, it should be noted that he was served with a subpoena to appear at trial and was subsequently contacted by the Assistant Department Advocate. Jingool informed the Assistant Department Advocate that he would not only fail to appear for any trial preparation, but also he would not appear for trial and would ignore the subpoena served upon him. A negative inference will be inferred by this Court based on Jingool voluntarily absenting himself from this proceeding.

This lackluster attitude of Jingool was evident in the telephone interview of him

conducted by Holochuck during the course of his investigation of this matter (DX 1) Jingool denied calling 911 on the incident date October 12, 2008. He stated that he had no idea who would call 911. He speculated that it was Respondent. Yet he was clearly identified during the 911 call that was obtained by Holochuck as the person making the call (DX 2). Jingool had a propensity to fabricate. Jingool, in his 911 call stated that Respondent, his wife, was a police officer and that she was acting crazy and breaking things up. Yet when he was interviewed, he did not name a single item that he saw Respondent break. Nor could any objects be heard either being broken, thrown or smashed during the 911 call despite the fact that the argument between them seemed to be ongoing because a female is heard yelling in the background. Jingool was so brazen that he asked Holochuck during the investigation whether he had the number that the 911 call came from. When Holochuck said, "No," Jingool probably knew that he could continue with his lie that he did not call 911.

Respondent is charged with engaging in a violent dispute which resulted in the destruction of property and caused Jingool to fear for his safety. There was no evidence presented at this proceeding to support this allegation. Respondent is charged with engaging in a violent dispute, yet there was no evidence presented to establish that the joint property damaged in the apartment was caused by Respondent. Respondent testified that a glass table was cracked when two vases fell on it following the physical commotion between her and Jingool as Jingool pushed and grabbed her. No evidence to contradict this testimony was presented. Louissant testified that when he responded to the incident location as patrol supervisor, he saw a broken glass table with a crack in the corner. He also saw a broken vase, but he could not recall if the vase had a crack or

whether the vase was shattered Louissant could not recall whether Respondent stated that Jingool was abusive toward her or whether she said that Jingool tried to hurt her He acknowledged that he found Respondent seated in her vehicle, but he did not ask her why she was seated outside in her car when the domestic incident occurred inside of the home

Respondent is also charged with causing Jingool to fear for his safety Although Jingool called 911, he lacked the sound of fear in his voice as he called 911 He never stated that he feared for his safety or was being threatened by Respondent He only stated that his wife was "on the job" and he needed a sergeant at the residence A female was heard yelling in the background of the 911 tape and questioning whether the person was "serious " Respondent admitted to being the background voice during the 911 call and that she was in the vicinity of Jingool when he called 911 and she yelled at him about calling the police and impacting her job Jingool was very calm as he gave his address and telephone number to the 911 operator

This entire matter seems to be a victimization of the victim because Respondent happened to be a member of the service No one bothered to thoroughly investigate the domestic history of Jingool to see if he was even a credible witness He lied about calling 911 on the incident date and no one thought he lacked credibility because of this It was not until a demand was made by this Court at trial that it was discovered that Jingool had a previous arrest for assault involving a domestic matter with Respondent and her son, where an Order of Protection was issued Even in that case where Jingool was arrested, it was determined that he called 911 despite the fact that he had punched Respondent's son in the face and was subsequently arrested Jingool seemed quite familiar with the practice of calling 911 on Respondent, even when he was the aggressor He knew the



fact that she was a police officer would diminish the attention being placed on him as a suspect

Jingool had at least three prior incidents where Respondent was the complainant. Before they were married in 2007, Jingool illegally evicted Respondent from their place of residence by changing the locks and placing her property in the garage. On another occasion, he hit Respondent's son in the back of the head and a Domestic Incident Report was made. During Labor Day weekend in 2007, Jingool was arrested for striking her, her son and their child in common. As for Respondent, she had two domestic incidents where Jingool was the complainant. One was this case. The other was a case where Jingool refused to give a statement to the police about what happened and the case was closed. A review of the domestic history between Jingool and Respondent should have been another area to question the validity of Jingool's claims in this matter.

Accordingly, based on the lack of credible evidence to support the charge pending against Respondent, I recommend that Respondent be found Not Guilty and that this Charge and Specification be dismissed.

Respectfully submitted,



Claudia Daniels-DePeyster  
Assistant Deputy Commissioner – Trials

**APPROVED**  
JUL 07 2011  
  
RAYMOND W. KELLY  
POLICE COMMISSIONER